

commerce on or about September 21, 1936, by the Mott Cooperative Creamery Association, from Mott, N. Dak., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On October 13, 1936, the Mott Cooperative Creamery Co., claimant, having admitted the allegations of the libel, consent decree of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

*M. L. WILSON, Acting Secretary of Agriculture.*

**26623. Adulteration of butter. U. S. v. 1 Can of Butter. Default decree of condemnation and destruction. (F. & D. no. 38573. Sample no. 23420-C.)**

This case involved butter that contained maggots, small insects, human and cow hairs, mold, and nondescript dirt.

On November 11, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one can of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about November 2, 1936, by N. J. Park from Paintsville, Ky., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On December 15, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

*M. L. WILSON, Acting Secretary of Agriculture.*

**26624. Adulteration of canned salmon. U. S. v. Guy & Scott and Mrs. Guy A. Scott (Scotty Packing Co.). Pleas of guilty. Fine, \$25 and costs. (F. & D. no. 37000. Sample nos. 37949-B, 37958-B, 37967-B, 37971-B, 37972-B, 37986-B, 38062-B, 38093-B, 40527-B.)**

This case involved canned salmon that was in part decomposed.

On May 11, 1936, the United States attorney for the third division of the District of Alaska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Guy A. Scott and Mrs. Guy A. Scott, trading as Scotty Packing Co., alleging that on or about June 26, June 27, July 1, and August 3, 1935, the defendants shipped from Cordova, Alaska, into the State of Washington quantities of canned salmon which was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of decomposed and putrid animal substance.

On October 14, 1936, pleas of guilty were entered on behalf of the defendants and the court imposed a fine of \$25 and costs.

*M. L. WILSON, Acting Secretary of Agriculture.*

**26625. Adulteration and misbranding of canned tomatoes and canned tomato puree. U. S. v. 130 Cases of Canned Tomatoes, et al. Default decree of condemnation. Tomatoes ordered delivered to charitable institution. (F. & D. no. 36456. Sample nos. 28432-B, 28433-B, 28435-B, 28436-B.)**

This case involved canned tomatoes and canned tomato puree, the tomatoes being substandard and not labeled to indicate that fact, and the tomato puree containing excessive mold and being short in weight.

On October 8, 1935, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 145 cases of canned tomatoes and 31 cases of canned tomato puree at Lake Charles, La., alleging that the articles had been transported in interstate commerce on or about August 31 and September 14, 1935, via truck of Gordon, Sewall & Co., of Lake Charles, La., from Beaumont, Tex., and charging adulteration and misbranding of the tomato puree and misbranding of the canned tomatoes in violation of the Food and Drugs Act as amended. The tomato puree consisted of two brands labeled respectively: "Rio Grande Valley Brand Tomato Puree \* \* \* Net Contents 5 Oz. Packed for Rio Grande Valley Cannery Sales Co., Harlington, Texas"; "Valley Red Puree di Pomodoro Contents 4- $\frac{3}{4}$  Ozs. Avoir \* \* \*

Packed by La Feria Canning Company, LaFeria, Texas." The canned tomatoes consisted of two brands labeled respectively: "Garth's Brand Tomatoes \* \* \* Packed by Tyrrell & Garth, Highlands, Texas"; "Santa Rosa Brand Hand Packed Tomatoes \* \* \* Packed by A. S. Beard, Santa Rosa, Texas, and Roanoke, Va."

The tomato puree was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

The tomato puree was alleged to be misbranded in that the statements on the labels, "Net contents 5 Oz." and "Contents 4¼ Ozs. Avoir.", were false and misleading and tended to mislead and deceive the purchaser, and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

The canned tomatoes were alleged to be misbranded in that they were canned food that fell below the standard of quality and condition promulgated by the Secretary of Agriculture, in that it did not consist of whole or large pieces and was not normally colored, and its package and label did not bear a plain and conspicuous statement as prescribed by the Secretary of Agriculture, indicating that it fell below such standard.

On September 7, 1936, no claimant having appeared, judgment was entered condemning the products and ordering that the canned tomatoes be delivered to a charitable institution.

M. L. WILSON, *Acting Secretary of Agriculture.*

**26626. Adulteration of salmon. U. S. v. 2,069 Cases of Pink Salmon. Consent decree of condemnation. Product ordered released under bond. (F. & D. no. 38425. Sample nos. 23599-C, 23644-C.)**

This case involved an interstate shipment of salmon that was in part decomposed.

On October 16, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2,069 cases of pink salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 29 and September 4, 1936, by the Deep Sea Salmon Co., from Skowl Arm, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On December 2, 1936, the Deep Sea Salmon Co., claimant, having admitted the allegations of the libel, consent decree of condemnation was entered and it was ordered that the product be released under bond, subject to compliance with provisions of the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

**26627. Adulteration of whitefish. U. S. v. 76 Cases of Whitefish. Product ordered released under bond for reshipment in foreign commerce. (F. & D. no. 38435. Sample no. 28503-C.)**

This case involved an interstate shipment of frozen whitefish that was infested with worms.

On October 8, 1936, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 76 cases of frozen whitefish at Buffalo, N. Y., consigned by McInnes Products Co., alleging that the article had been shipped in interstate commerce on or about September 15, 1936, from Detroit, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Whitefish Product of Canada."

The article was alleged to be adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance.

On November 12, 1936, the McKey Brokerage Co., Detroit, Mich., and McInnes Products Co., Waterways, Alberta, Canada, having appeared as claimants and having consented to the entry of a decree, judgment was entered ordering that the product be released under bond, conditioned that it be reshipped to the Dominion of Canada.

M. L. WILSON, *Acting Secretary of Agriculture.*